

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

KRISTOFFER MARTIN, SCOTT QUATTRUCCI,
and CALVIN JONES, individually
and on behalf of others similarly situated,

Plaintiffs,

v.

ORDER

20-cv-279-jdp

EATSTREET, INC.,

Defendant.

In this class and collective action brought under the Fair Labor Standards Act (FLSA) and Wisconsin wage law, plaintiffs Kristoffer Martin, Scott Quattrucci, and Calvin Jones contend that defendant EatStreet, Inc., an online food ordering and delivery service company, failed to reimburse delivery drivers for vehicle and mileage expenses and incorrectly used drivers' tips to meet minimum wage requirements. Soon after plaintiffs filed this lawsuit in March 2020, several other individuals opted in to the proposed FLSA collective by submitting signed consent forms to make a claim against defendant for unpaid minimum, overtime and agreed upon wages. But defendant did not have any record of employment for the following 33 individuals who submitted a consent form: Ahmed Abdelrasoul, Abshir Abdi, Mohamed Alkashto, Jemps Auciel, Moussa Barry, Jose Diaz, Ayouba Donzo, Isaac Dorcenat, Isaac Duran, Yonas Getnet, James Hines, Tamia Jackson, Brittany Johnson, Mamadou Kante, Sekou Konneh, Taveris Lee, Ziyen Lengani, Serigne Lo, Esam Louka, Duchar Marckenzi, James Martin, Enrique Martinez, Whitney Montgomery, Nkurunziza Mukiza, Jeansmy Nsimba, Francisco Paulino, Jefferson Pena, Monroy Ramos, Mohamed Soumahoro, Shakil Tipu, Isaias Torres, Jose Umana, and Luqman Yusuf. *See* Dkts. 17-18, 20, 22-23, 25, 27-33, 36, 38, 40-42.

Although plaintiffs' counsel made multiple attempts to contact the above-named individuals to clarify their employment history with defendant, none of them responded. So on December 29, 2020, this court granted plaintiffs' motion to withdraw as counsel for these non-responsive plaintiffs. *See* Dkts. 59 and 80. Having received nothing further from any of the above-named individuals, it appears that they have abandoned their wage claims against defendant.

Accordingly, IT IS ORDERED that opt-in plaintiffs Ahmed Abdelrasoul, Abshir Abdi, Mohamed Alkashto, Jemps Auciel, Moussa Barry, Jose Diaz, Ayouba Donzo, Isaac Dorcenat, Isaac Duran, Yonas Getnet, James Hines, Tamia Jackson, Brittany Johnson, Mamadou Kante, Sekou Konneh, Taveris Lee, Ziyen Lengani, Serigne Lo, Esam Louka, Duchar Marckenzi, James Martin, Enrique Martinez, Whitney Montgomery, Nkurunziza Mukiza, Jeansmy Nsimba, Francisco Paulino, Jefferson Pena, Monroy Ramos, Mohamed Soumahoro, Shakil Tipu, Isaias Torres, Jose Umana, and Luqman Yusuf shall have until March 27, 2023 to show cause why they should not be dismissed from this lawsuit for failure to prosecute their wage claims.

Entered March 6, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge